

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

MICHAIL SORODOSKY,

Petitioner,

-v-

WILLIAM F. KEYSER, JR., *et al.*,

Respondents.

19 Civ. 5389 (PAE) (BCM)

ORDER

PAUL A. ENGELMAYER, District Judge:

The Court has received Petitioner’s counsel’s letter stating that, in light of Petitioner’s discharge from parole supervision in the period since he filed his petition, that petition is now moot. Dkt. 34. “Unlike the ‘in custody’ requirement, mootness is not fixed at the time of filing but must be considered at every stage of the habeas proceeding.” *Nowakowski v. New York*, 835 F.3d 210, 217 (2d Cir. 2016). “Where, as here, a petitioner’s habeas petition challenges parole revocation proceedings, his petition becomes moot when he is released from custody unless he is able to demonstrate collateral consequences stemming from the parole revocation proceedings.” *Razzoli v. U.S. Parole Comm’n*, 116 F. App’x 292, 293 (2d Cir. 2004); *Spencer v. Kemna*, 523 U.S. 1, 8, 14 (1998) (“Subsistence of the suit requires, therefore, that continuing ‘collateral consequences’ of the parole revocation be either proved or presumed,” and “declin[ing] to presume that collateral consequences” stem from parole revocations). The Court construes the above letter as representing that Petitioner neither has experienced, nor continues to experience, collateral consequences as a result of the revocation of his parole. Accordingly, the Court dismisses the amended petition, Dkt. 5, as moot. *See, e.g., Spencer*, 523 U.S. at 18 (affirming dismissal where no collateral consequences); *Razzoli*, 116 F. App’x at 293 (dismissing petition as

moot where petitioner failed to demonstrate collateral consequences); *Aurecchione v. James*, No. 22 Civ. 3323 (JPC) (SLC), 2023 WL 1472782, at *4 (S.D.N.Y. Jan. 11, 2023) (recommending the same), *report and recommendation adopted*, 2023 WL 1471886 (S.D.N.Y. Feb. 2, 2023); *Martinson v. U.S. Parole Comm'n.*, No. 02 Civ. 4913 (KMK), 2005 WL 1309054, at *6 (S.D.N.Y. June 1, 2005) (same). The Court respectfully directs the Clerk of Court to close this case.

SO ORDERED.



Paul A. Engelmayer
United States District Judge

Dated: August 18, 2023
New York, New York